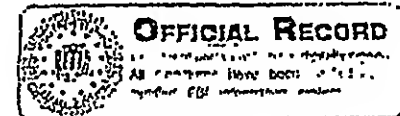


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# FEDERAL BUREAU OF INVESTIGATION

## Electronic Communication

Title: (U//FOUO) Accidental Discharge, SA [REDACTED] Date: 02/28/2013  
[REDACTED] WFO

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To: [REDACTED]  
SHIELDS ROBERT J JR

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From: INSPECTION

Contact: [REDACTED]

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Approved By: [REDACTED]  
MARSHALL HOWARD S

Drafted By: [REDACTED]

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Case ID #: 297-HQ-A1271970-D (U) SHOOTING INCIDENTS

Synopsis: (U//FOUO) To document the results of an administrative shooting investigation concerning the accidental discharge of a Bureau handgun by Special Agent [REDACTED] which occurred in his residence, [REDACTED] on 10/17/2012 at approximately 10:15 pm.

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Administrative Notes: (U//FOUO) A parallel Internal Investigations case was opened by IIU-II and SA [REDACTED] was notified of such by SSA [REDACTED] WFO. As a result, compelled rather than voluntary statements were obtained from FBI employees. These reports were included as part of the shooting investigation. The shooting investigation was conducted in coordination with SSA [REDACTED] IIU-II.

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Enclosure(s): Enclosed are the following items:

1. (U//FOUO) A/SSA [REDACTED] finalized Signed Sworn Statement (SSS)
2. (U//FOUO) Interview notes, A/SSA [REDACTED]
3. (U//FOUO) A/SSA [REDACTED] SSS version 1
4. (U//FOUO) A/SSA [REDACTED] SSS version 2
5. (U//FOUO) FD-418
6. (U//FOUO) Alexandria Police Department (APD) incident reports
7. (U//FOUO) EC from SA [REDACTED] dated 11/05/12

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8. (U//FOUO) Write-up by A/SSA [REDACTED]
9. (U//FOUO) EC to SA [REDACTED] personnel file
10. (U//FOUO) Search warrant
11. (U//FOUO) Interview notes, ASAC [REDACTED]
12. (U//FOUO) ASAC [REDACTED] SSS version 1
13. (U//FOUO) ASAC [REDACTED] SSS version 2
14. (U//FOUO) ASAC [REDACTED] finalized SSS
15. (U//FOUO) SA [REDACTED] finalized SSS
16. (U//FOUO) Interview notes (2)
17. (U//FOUO) Questions for interview
18. (U//FOUO) FD-645, SA [REDACTED]
19. (U//FOUO) Non-disclosure agreement [REDACTED]
20. (U//FOUO) Interview notes (1)
21. (U//FOUO) Finalized APD incident report, case number 01-12-0144113

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Details:

(U//FOUO) This document was prepared by Assistant Inspector [REDACTED] after review of the following source documents:

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- a) FD-418, Shooting Incident Report, dated 11/02/2012, from the Washington Field Office to the Training Division.
- b) Incident Report, case number 01-12-144113, from the APD
- c) EC, 1A-WF-C205092 Serial 1036, dated 11/05/2012, prepared by SA [REDACTED]
- d) EC to SA [REDACTED] personnel file, 67-HQ-1590876, dated 11/16/2012, prepared by A/SSA [REDACTED]
- e) A summary document prepared by A/SSA [REDACTED] (no date provided)
- f) A copy of a search warrant and affidavit prepared by Detective [REDACTED] APD.
- g) SSSs from SA [REDACTED] A/SSA [REDACTED] and ASAC [REDACTED]

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(U//FOUO) On 10/26/2012, [REDACTED] born [REDACTED] of [REDACTED] returned home after a [REDACTED] Shortly after his return, [REDACTED] noticed what he believed was a bullet hole in his living room wall. A bullet appeared to have traveled from beyond the common

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wall between his apartment and the neighboring apartment, passing through the back of a closet, and through the closet door before becoming lodged in his front door. Officers from the APD responded and, upon examining the holes, concluded the bullet travelled from the adjacent apartment, [REDACTED]. The APD began a canvass of the apartment building and identified a vehicle in the parking lot registered to [REDACTED]. Additionally, the occupants of [REDACTED] told the APD they had heard a loud bang approximately a week ago but assumed it was a door slamming.

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(U//FOUO) At approximately 9 p.m., SA [REDACTED] arrived at the apartment complex. Officer [REDACTED] approached SA [REDACTED] and asked if he lived in [REDACTED]. SA [REDACTED] told him he did. SA [REDACTED] told Officer [REDACTED] he was an FBI Agent and displayed his credentials. Officer [REDACTED] explained why they were there. SA [REDACTED] was asked if he had an accidental discharge in his apartment. He replied he had not. SA [REDACTED] told Officer [REDACTED] he lived alone, had left his apartment at approximately 5:30 a.m., and had not returned all day.

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(U//FOUO) SA [REDACTED] gave the APD his apartment key and officers conducted a search for any possible gunshot victims. None were found. Officers could see an apparent bullet hole on the common wall shared by [REDACTED].

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(U//FOUO) SA [REDACTED] was asked repeatedly whether he knew the origins of the bullet hole. He told the lead Detective, [REDACTED] he did not. It was suggested SA [REDACTED] contact his supervisor.

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(U//FOUO) At approximately 9:30 p.m., SA [REDACTED] contacted his supervisor, A/SSA [REDACTED]. SA [REDACTED] told A/SSA [REDACTED] the APD was at his apartment, were investigating an apparent shooting, and there were bullet holes found in both SA [REDACTED] apartment and those of his neighbor. SA [REDACTED] told A/SSA [REDACTED] he did not know what had happened, telling A/SSA [REDACTED] the APD was looking into the possibility there had been a break-in. A/SSA [REDACTED] responded to SA [REDACTED] apartment at SA [REDACTED] request.

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(U//FOUO) After speaking with A/SSA [ ] SA [ ] was introduced to the ranking officer present, Lieutenant [ ] Lieutenant [ ] told SA [ ] based upon the evidence, it appeared the bullet came from SA [ ] apartment and asked if there had been an accidental discharge. SA [ ] said he had no knowledge an accidental discharge. SA [ ] was further questioned and asked if he had any additional weapons, if he had any visitors, and if anybody, other than himself, had access to his weapon. SA [ ] said he had no visitors, other than maintenance personnel and a group of friends from a Bible study. SA [ ] reiterated he did not know what had happened, or who else may have had access to his weapon.

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(U//FOUO) The APD secured a search warrant for SA [ ] apartment, which was executed at approximately 10:15 p.m. In addition to the bullet recovered from [ ] the APD also seized SA [ ] Bureau issued firearm, a Glock Model 23, serial number [ ] No other items were seized by the APD, although digital photographs were taken.

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(U//FOUO) At approximately 10:20 p.m. A/SSA [ ] arrived and, after conferring with APD detectives and officers, spoke privately with SA [ ] for approximately 40 to 50 minutes.

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(U//FOUO) During his conversation with SA [ ] A/SSA [ ] told SA [ ] to be candid. SA [ ] had some difficulty recollecting and focusing on specific details of the accidental discharge, which A/SSA [ ] ascribed to the stress of the presence of the APD. When asked about possibly dry-firing his weapon, SA [ ] replied he was feeling stressed after dry-firing his weapon the previous week and had a restless night due to a dream about a gunfight. In his SSS, A/SSA [ ] recounted how SA [ ] was adamant he did not know what happened, saying if he had done this, he would tell the truth.

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(U//FOUO) A/SSA [ ] continued to encourage SA [ ] to be candid. Between 11:20 p.m. and 11:30 p.m., SA [ ] and A/SSA [ ] returned to SA [ ] apartment, where APD officers were waiting. The APD officers and detectives did not accept SA [ ] explanation. They felt it was vague. According to A/SSA [ ] APD officers warned SA [ ] if he

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failed to be candid the police report would reflect his false account. A/SSA [REDACTED] conferred with SA [REDACTED] in private, urging him to be candid with the APD. SA [REDACTED] then fully explained he had an accidental discharge which occurred on 10/17/2012, while dry-firing his weapon. SA [REDACTED] provided the following account to the APD:

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(U//FOUO) On 10/17/2012, SA [REDACTED] had dry fired his weapon while listening to classical music and watching television. Prior to this SA [REDACTED] conducted a safety check. SA [REDACTED] dry fired successfully for several minutes before reloading his weapon and holstering. A short while later, SA [REDACTED] attempted to dry fire but did not conduct a full safety check. He removed the magazine but did not check the chamber. As a result, a round was discharged.

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(U//FOUO) SA [REDACTED] stated the shell casing fell into his tactical bag, which was sitting on the floor next to him. He subsequently put the casing into his garbage can and later disposed of it in the [REDACTED] SA [REDACTED] said he was scared after the accidental discharge [REDACTED]

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(U//FOUO) As the APD completed their interview with SA [REDACTED] ASAC [REDACTED] arrived. Prior to his arrival, he had several telephone conversations with A/SSA [REDACTED] in which he repeatedly directed A/SSA [REDACTED] to relay to SA [REDACTED] the importance of telling the truth. A/SSA [REDACTED] relayed these instructions to SA [REDACTED] After the APD left, ASAC [REDACTED] and A/SSA [REDACTED] spoke with SA [REDACTED] and explained the administrative process which would occur. ASAC [REDACTED] made a referral to the Employee Assistance Program.

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(U//FOUO) On 03/01/2013, A/SSA [REDACTED] provided a SSS to INSD. It reflected the following: A/SSA [REDACTED] repeatedly told SA [REDACTED] he should cooperate with the APD and be honest. During his telephone conversation, SA [REDACTED] told him he did not fire his weapon but would admit it if he did. SA [REDACTED] was adamant he had "nothing to do with this." During their first in person conversation, SA [REDACTED] told A/SSA [REDACTED] he did not know what happened, stating he was "an honest guy," and, if he had done this, he would tell the truth.

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(U//FOUO) On 03/04/2013, ASAC [ ] provided a SSS to INSD. It reflected the fact he did not have any conversations with SA [ ] until after SA [ ] had completed his interview with the APD, by which time SA [ ] had admitted the accidental discharge.

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(U//FOUO) On 03/06/2013, SA [ ] provided a SSS to INSD. In it he acknowledged the accidental discharge, discussed his embarrassment, and admitted his lack of candor (not under oath). Specifically, he admitted he was not candid when first asked by the APD if "something had happened which caused [his] gun to be discharged." He responded by saying there had been some friends over for Bible study the previous Tuesday (10/16/2012) and apartment maintenance had been checking each apartment's water meters. A detective (SA [ ] does not recall who) spoke with him in private and attempted to get him to admit what had happened. SA [ ] said he, "continued to deny any knowledge of the incident." SA [ ] then contacted A/SSA [ ] and told him, "I did not know how it happened." A/SSA [ ] arrived and spoke with SA [ ] SA [ ] stated he could not bring himself to be "completely forthright due to being in shock of being questioned and interrogated by the police." After speaking with A/SSA [ ] for about 30 minutes, they returned to SA [ ] apartment and spoke with the APD. SA [ ] stated he tried to tell the truth but was still ashamed and could not say exactly what happened. Lieutenant [ ] grew frustrated and walked away. SA [ ] and A/SSA [ ] again spoke in private, at which time SA [ ] "finally found the strength to admit what had happened." SA [ ] and A/SSA [ ] returned and SA [ ] admitted the accidental discharge.

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(U//FOUO) On 03/19/2013, Assistant Inspector (AI) [ ] contacted Sergeant [ ] telephone [ ] APD. Sergeant [ ] told AI [ ] Detective [ ] determined no charges should be filed. Misdemeanor offenses, of which this was an example, were referred for prosecution at the discretion of the investigating officer. In this case, Detective [ ] elected not to make a referral. Sergeant [ ] also provided AI [ ] with a copy of the complete Incident Report, case number 01-12-144113, which was placed in an FD-340.

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(U//FOUO) SA [REDACTED] weapon has remained in the custody of the  
APD.

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(U//FOUO) On 03/22/2013, AI [REDACTED] advised SA [REDACTED]  
Principal Firearms Instructor for the Washington Field Office (WFO),  
the weapon could be retrieved from the APD. SA [REDACTED] was aware the  
weapon [REDACTED]  
[REDACTED]

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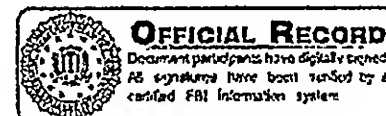
(U//FOUO) On 03/22/2013, SSA [REDACTED] IIU-II, was provided with a  
draft copy of this EC and he concurred with its contents.

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**FEDERAL BUREAU OF INVESTIGATION****Electronic Communication**

**Title:** (U) SHOOTING INCIDENT CRITICAL INCIDENT  
RESPONSE GROUP 11/02/2012

**Date:** 07/08/2013

**To:** DA-INTERNAL INVESTIGATIONS SECTION

**From:** INSPECTION

DA-INSPECTION MANAGEMENT UNIT

**Contact:** [REDACTED]

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**Approved By:** SHIELDS ROBERT J JR  
Nancy McNamara

**Drafted By:** [REDACTED]

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**Case ID #:** 297-HQ-A1271971-D (U) SHOOTING INCIDENTS

**Synopsis:** (U) The Shooting Incident Review Group (SIRG) reviewed a shooting incident that occurred on 11/02/2012, involving Special Agent (SA) [REDACTED] while he was assigned to the Hostage Rescue Team (HRT), New Operator Trainee (NOT), Generation 27. SA [REDACTED] was securing gear and weapons at the conclusion of training in the NOT cage area. As he was attempting to holster his Bureau-issued Glock, Model 27 pistol in an in-the-pants holster, SA [REDACTED] accidentally discharged one round striking SA [REDACTED] in the left shoulder. SIRG members recommended that SA [REDACTED] be censured, suspended from duty for a period of three days, and receive documented remedial firearms training as a result of this shooting incident.

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Additionally, based on past precedent, the Internal Investigations Section (IIS), Inspection Division, should levy any additional penalty deemed appropriate to SA [REDACTED] regarding his unauthorized use of a practice flash bang prior to the accidental discharge.

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**Administrative Notes:** (U) Reference report of Inspector [REDACTED]  
[REDACTED] dated 11/09/2012.

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**Details:**

This communication was prepared to furnish the analysis, comments,

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Title: (U) SHOOTING INCIDENT CRITICAL INCIDENT RESPONSE GROUP 11/02/2012  
Re: 297-HQ-A1271971-D, 07/08/2013

and recommendations of the SIRG with reference to the captioned shooting.

Details of the Shooting Incident

On 11/02/2012, the NOT team finished training at approximately 2:30 p.m. The team's day consisted of physical training in the morning, classroom training until 11:00 a.m., an early lunch, Primary Qualification Courses (PQC) with M4 and Glock pistols, and concluded with approximately two hours of Immediate Action Drills. At the conclusion of training, the NOTs were released and told to prepare their equipment for the next week's training before departing for the weekend.

[REDACTED]  
[REDACTED] (Cages A  
and B) [REDACTED]  
[REDACTED]

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With the exception of SA [REDACTED] and SA [REDACTED] each NOT was at his cage at approximately 2:50 p.m. While SA [REDACTED] was returning phone calls in the hallway near the break room, SA [REDACTED] announced to the NOTs in Cage A he was going to "bang" SA [REDACTED] when he entered Cage A. The other NOTs understood this to mean SA [REDACTED] was going to toss a practice flash bang device at SA [REDACTED] as a prank. As SA [REDACTED] entered Cage A with his head down, he noticed a practice flash bang device rolling at his feet and turned right facing his locker. SA [REDACTED] did not see who tossed the device at him; however, the device went off between SA [REDACTED] and SA [REDACTED]  
[REDACTED]

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After tossing the practice flashbang towards SA [REDACTED] SA [REDACTED] reached into his locker for his Glock 27 pistol. He held the weapon with the muzzle pointed upwards and conducted a "press check" to determine if the weapon was loaded. SA [REDACTED] then attempted to holster the weapon in an in-the-pants holster located on the right front of his pants. While lifting his shirt to clear the opening of

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the holster, the weapon was pointed towards the entrance of Cage A when one round discharged. SA [ ] did not remember pulling the trigger. Approximately three to five seconds elapsed between the flashbang detonation and the accidental discharge from SA [ ] Glock 27 pistol.

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The expended round struck SA [ ] in the left arm stopping in his chest cavity. SA [ ] did not see who shot him and described the impact as being hit in the arm with a "bean bag." SA [ ] after feeling the impact, layed down in the entrance of Cage A and was immediately assisted by the other NOTs. SA [ ] and SA [ ] left the cage area to notify the medical staff, the front office, and their supervisor of the situation. The other NOTs applied first aid to SA [ ] for a short period until SA [ ] and SA [ ] from the HRT medical program arrived and assumed medical treatment. SA [ ] was transported by HRT helicopter to Mary Washington Hospital in Fredericksburg, Virginia.

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A search of the area by the Evidence Response Team (ERT) and the Shooting Incident Review Team (SIRT) revealed loaded weapons were stored next to or near Simunition weapons. Several cages contained live practice flash bangs. SA [ ] was aware he had his Glock 27 with live ammunition in his hand and not a Simunition weapon when the accidental discharged occurred. Interviews revealed the NOTs engaged in pranks involving Simunition and practice flash bangs on other occasions within the Medical Annex Building. HRT supervisory staff was unaware of this practice due to the location of the NOTs when out of the training environment and the activity either not being observed or reported.

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After SA [ ] was taken to the hospital, the NOTs were left unsupervised and began cleaning up the scene. SA [ ] blood was cleaned up and his clothes were placed in a nearby trash can. The expended practice flash bang and its spoon were picked up by the NOTs and placed in an unsecure cabinet in the hallway. Twelve expended practice flash bangs and four spoons were located in the cabinet.

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SSA [ ] told ASC [ ] he would secure the scene after the incident. SSA [ ] locked Cage A with a combination lock and left the HRT facility. SA [ ] was given the combination by SSA [ ] and allowed to enter Cage A to remove personal property without supervision. A log was not kept to document who entered the scene or who removed what item. Several NOTs, including SA [ ] entered Cage A without supervision.

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Although HRT provided instruction on the use of practice flash bangs, no policy was in place on how to store them. The practice of detonating them outside of the training environment was not approved.

On 11/28/2012, SA [ ] firearm was inspected by the Defensive Systems Unit, Training Division, to determine if the weapon was working properly. The inspection of the weapon determined the weapon was dirty with carbon and dry of lubrication. However, the examination determined this did not have any impact on the accidental discharge.

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On 03/10/2013, SA [ ] was reassigned to the Washington Field Office.

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On 05/23/2013, the SIRG met to discuss the above-captioned shooting incident. Acting Assistant Director Robert J. Shields, Inspection Division (INSD), chaired the meeting and was a non-voting member. The following voting members were in attendance: Acting Chief Inspector Howard S. Marshall, Office of Inspections (OI), INSD; [ ] Trial Attorney, Criminal Division, United States Department of Justice (USDOJ); [ ] Special Legal Counsel, Civil Rights Division, USDOJ; Section Chief (SC) SC Gregory D. Cox, Global Section, Counterintelligence Division; Special Agent (SA) [ ] Squad CR-2, Washington Field Office; SSA [ ] Practical Applications Unit, Training Division (TD); SSA [ ] Investigative Law Unit, Office of the General Counsel; SSA [ ] Evidence Response Team, Laboratory Division; SSA [ ] Special Weapons and Tactics (SWAT) Operations Unit, Critical Incident Response Group (CIRG); SSA [ ] Firearms Training Unit, TD; and SSA [ ] Defensive Systems Unit, TD. The

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following non-voting members were also in attendance: Inspectors [redacted] and [redacted] OI, INSD; Team Leaders [redacted] and [redacted] OI, INSD; SSA [redacted] Defensive Systems Unit, TD ; [redacted] Firearms Training Unit, TD; SSA [redacted] Operations and Training Unit, CIRG; SSA [redacted] Resource Planning Office, Director's Office; SSA [redacted] SWAT Operations Unit, CIRG; [redacted] Occupational Safety and Environmental Programs Unit, Facilities and Logistics Services Division; Management and Program Analyst [redacted] Inspection Analysis Unit, INSD; and Management and Program Analysts [redacted] and [redacted] Inspection Management Unit, INSD.

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Observations and Recommendations of the SIRG

The SIRG reviewed the above synopsis incident with the intent to: (1) evaluate the application of deadly force; (2) provide the Director with an evaluative analysis, observations, and recommendations for corrective actions from an operational standpoint (if any); (3) provide recommendations concerning training and/or safety issues; and (4) provide recommendations for administrative action if deemed necessary.

A lengthy discussion ensued regarding the unauthorized use of practice flash bangs by the NOTs before and after training events. Specifically, members discussed SA [redacted] use of a practice flash bang immediately prior to accidentally discharging his firearm, resulting in serious injury to SA [redacted]. The members of the SIRG inquired whether the unauthorized use of practice flash bangs would be addressed by the FBI Inspection Division's Internal Investigations Section (IIS). A/AD Robert J. Shields, Jr. advised IIS would review this unauthorized use of government property. In addition, OGC Attorney [redacted] indicated the Department of Justice, Office of Inspector General, would also have the opportunity to review the results of INSD's shooting investigation.

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SIRG members unanimously recommended that SA [ ] be censured, suspended from duty for a period of three days, and receive documented remedial firearms training in regard to this shooting incident. Additionally, based on past precedent, IIS, Inspection Division, should levy any additional penalty deemed appropriate to SA [ ] regarding his unauthorized use of a practice flash bang prior to the accidental discharge.

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SIRG members unanimously adopted the following observations instructions/recommendations of the SIRT:

INSPECTOR'S OBSERVATIONS:

Observation 1: Practice flash bangs and Simunitions were used for unauthorized purposes.

Analysis 1: The SIRT revealed the unauthorized use of practice flash bangs and Simunitions within the designated NOT equipment storage area. The NOTs, in pursuit of humor, detonated practice flash bangs and shot each other with Simunition weapons while within the equipment storage area of the Medical Annex Building. Interviews of the NOTs revealed they engaged previously in these activities as pranks and no one had been injured.

Prior to handling his Glock 27, SA [ ] admitted to tossing a practice flash bang at SA [ ]. Approximately three to five seconds after the practice flash bang detonated, SA [ ] unintentionally discharged his Glock 27 striking SA [ ].

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While the investigation did not reveal SA [ ] handled both the flash bang device and weapon at the same time, the unauthorized activity aided in the distraction of SA [ ] prior to his unintentional discharge of his firearm.

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Recommendation 1: AD, CIRG should ensure HRT property is used for training and operational events only.

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Observation 2: Simunitions were stored next to loaded weapons of the same make and caliber within NOTs equipment storage areas.

Analysis 2: During the processing of the scene by ERT, multiple Simunition rounds were noted on the floor of the NOTs equipment area. Simunition weapons were stored next to operational weapons of the same make. At least one of the Simunition weapons was loaded. Even though the Simunition weapons were painted orange, some were missing paint due to use. The duty weapons and Simunition weapons were stored next to each other in the cages or were hanging from the same hook.

Recommendation 2: AD, CIRG should ensure Simunitions (weapons and ammunition) are stored separately from operational weapons.

Observation 3: The NOTs were not properly supervised.

Analysis 3: The NOT supervisor was located in the HRT main building. The NOTs were housed away from supervisors and other HRT operators in

[REDACTED] The NOTs were aware they were not supervised while in [REDACTED] Interviews of NOTs revealed practice flash bangs were detonated approximately 10 to 12 times in the cage area since the beginning of training. The detonation was loud enough for anyone in the Annex to hear. Interviews of EM and HRT personnel revealed they were unaware of this practice by the NOTs.

Recommendation 3: AD, CIRG should ensure the NOTs are appropriately supervised.

Observation 4: The location of the shooting incident was not properly controlled after the accidental discharge of the weapon.

Analysis 4: The NOTs cleaned up blood and the practice flash bang device after the shooting without direction from the supervisory staff. Interviews revealed SSA [REDACTED] secured the cage where the shooting took place. SSA [REDACTED] secured the cage but then gave the NOTs the combination after he left the facility. Several NOTs, including SA [REDACTED] entered the cage area to retrieve personal items without

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supervision. No entry log was maintained documenting entry of personnel or documenting what was removed from the area.

Recommendation 4: AD, CIRG should ensure access is controlled to incident sites.

PROCEDURES FOR RESPONDING TO THE INSTRUCTIONS/RECOMMENDATIONS

The Inspection Division (INSD), Inspection Management Unit (IMU) is responsible for ensuring that each Inspection Instruction/Recommendation is satisfactorily resolved. IMU maintains an Inspection Instructions/Recommendations database and provides the INSD Assistant Director (AD) a quarterly report reflecting all outstanding Instructions/Recommendations. The inspection process is not complete until all Instructions/Recommendations have been satisfactorily resolved.

IMU will provide all responses to the Inspector-in-Charge (IIC), who will determine if each Instruction/Recommendation has been resolved or requires further action. Resolution will be based upon specific actions taken rather than a recitation of what actions the division has under consideration or plans to take in the future. If the IIC determines an Instruction/Recommendation has not been resolved, an EC will be forwarded requesting further action or clarification. Upon resolution, all Instructions/Recommendations will be appropriately noted in the database.

AD, CIRG is required to provide detailed responses addressing the Instructions/Recommendations in this EC, pages 6, 7, and 8 including corrective actions taken and/or intended actions with time frames for completion. Each Observation which results in an Instruction/Recommendation must be responded to in a one-page, stand alone response. The Observation and related Instruction/Recommendation is to be recited verbatim from the inspection EC, followed by the division's detailed response. If supporting documentation is available, it should be enclosed with each response.

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Title: (U) SHOOTING INCIDENT CRITICAL INCIDENT RESPONSE GROUP 11/02/2012  
Re: 297-HQ-A1271971-D, 07/08/2013

All initial and follow-up responses must be sent to the IMU on plain bond paper as enclosures to a transmittal EC, directed to Unit Chief [REDACTED] Inspection Division, Inspection Management Unit, Room [REDACTED]. In addition, after the EC is serialized with the attached responses, please e-mail the Sentinel link to MPA [REDACTED]

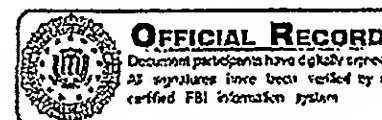
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**FEDERAL BUREAU OF INVESTIGATION****Electronic Communication**

**Title:** (U) SHOOTING INCIDENT BALTIMORE DIVISION  
11/15/2012

**Date:** 07/25/2013

**To:** DA-INSPECTION FRONT OFFICE (AD)

**From:** INSPECTION

DA-INSPECTION MANAGEMENT UNIT

**Contact:** [REDACTED]

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**Approved By:** SHIELDS ROBERT J JR  
Nancy McNamara

**Drafted By:** [REDACTED]

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**Case ID #:** 297-HQ-A1270951-D<sup>76</sup> (U) SHOOTING INCIDENTS

**Synopsis:** (U) The Shooting Incident Review Group (SIRG) reviewed a shooting incident that occurred on 11/15/2012, involving Special Agent (SA) [REDACTED] of the Baltimore Division. During the execution of a search warrant, SA [REDACTED] fired five rounds from his Bureau-issued Colt M-4, .223 caliber rifle causing superficial injuries to one of the residents. SIRG members recommended that no administrative action be taken against SA [REDACTED] as a result of his involvement in this shooting incident.

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**Administrative Notes:** (U) Reference report of former Inspector [REDACTED] [REDACTED] dated 05/07/2013.

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**Details:**

This communication was prepared to furnish the analysis, comments, and recommendations of the SIRG with reference to the captioned shooting.

**Details of the Shooting Incident**

On 11/15/2012, at approximately 6:05 a.m., the Baltimore Special Weapons and Tactic (SWAT) team executed two search warrants in support

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Title: (U) SHOOTING INCIDENT BALTIMORE DIVISION 11/15/2012

Re: 297-HQ-A1270951-D, 07/25/2013

of a WFO Safe Streets Task Force (SSTF) investigation. The case was predicated on information that [REDACTED] [REDACTED] were operating significant drug networks throughout the D.C. Metro area. These individuals were indicted by a Federal Grand Jury in the District of Columbia and search warrants were obtained for nine locations utilized by members of the criminal organization. Two of the search warrants were for single family residences in [REDACTED] [REDACTED] which would be executed by Baltimore SWAT, Tactical Operations Center (TOC) and Negotiation Operations Center (NOC) teams.

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On 11/13/2012, at approximately 1:00 p.m., Baltimore SWAT Senior Team Leader (STL) [REDACTED] conducted an operations brief. The approved operations order called for Baltimore SWAT to divide into two eight-man entry teams with each team assigned to a residence. The Gold team was designated to enter and secure [REDACTED] [REDACTED] and the Blue team was designated to enter and secure the [REDACTED] (herein referred to [REDACTED] Information indicated the primary subject at [REDACTED] [REDACTED] had received prior military training and was armed with an AK-47 and several handguns. Due to the close proximity to [REDACTED] Baltimore SWAT believed there was a probability weapons may be located at [REDACTED] as well.

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The front door and windows of [REDACTED] provided a clear view of the front door of [REDACTED] where the Blue Team would make entry. Baltimore Executive Management (EM) approved a plan for the Blue Team to make entry at [REDACTED] before the Gold Team entered [REDACTED] allowing Blue Team operators to avoid exposing themselves to any danger posed by [REDACTED] The use of [REDACTED] was authorized for use by both teams. The Blue Team planned to deploy [REDACTED] [REDACTED] inside [REDACTED] if the knock and announce was not answered and a breach of the door was necessary. If the occupants of [REDACTED] opened the door when commanded, [REDACTED] would be deployed in the front yard of [REDACTED] signaling the Gold Team to enter [REDACTED]

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Title: (U) SHOOTING INCIDENT BALTIMORE DIVISION 11/15/2012  
Re: 297-HQ-A1270951-D, 07/25/2013

On 11/15/2012, at approximately 5:00 a.m., Baltimore SWAT, along with the TOC and NOC personnel met at the designated staging area and conducted an operations and safety brief. Upon completion, all members moved to their assigned stations. TOC and NOC were located in the TOC vehicle, while the On-Scene Commander, ASAC [REDACTED] and SWAT Supervisor, SSA [REDACTED] positioned themselves in ASAC [REDACTED] vehicle. Both teams proceeded to the residences utilizing one vehicle arriving at approximately 6:00 a.m. Once there, both teams proceeded to their assignments.

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At approximately 6:05 a.m., the Blue Team was positioned at the front door to [REDACTED] where STL [REDACTED] initiated the operation. SA [REDACTED] conducted a knock and announce by yelling, "FBI, search warrant. Come to the door!" SA [REDACTED] repeated this sequence, after which STL [REDACTED] counted aloud to 20. No indications of movement were observed in the house at the completion of STL [REDACTED] count. SA [REDACTED] was directed by STL [REDACTED] to forcibly breach the door. After SA [REDACTED] breached the door, SA [REDACTED] deployed a [REDACTED] inside the house. Almost immediately after the [REDACTED] was tossed, SA [REDACTED] prematurely entered the residence before the [REDACTED] detonated and stood in the living room, approximately five feet from the threshold. SA [REDACTED] observed a female, later identified as [REDACTED] crouched approximately 20 feet away in an archway inside an alcove which separated the living room from the bedrooms located in the rear of the residence. As SA [REDACTED] made eye contact with [REDACTED] he saw a flash of light, heard a loud bang, and felt a strong movement of air on his right side which he perceived to be from a shotgun blast fired at him by [REDACTED]

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SA [REDACTED] initially fired two shots toward [REDACTED] and both shots missed her. One embedded in the wall of an unoccupied bedroom in the southeast corner of the home. The other hit the corner of the living room wall, immediately adjacent to the arch. SA [REDACTED] adjusted his point of aim from right to left, as [REDACTED] ran back into her bedroom in the northeast corner of the residence. SA [REDACTED] perceived that [REDACTED] moved into a stairwell rising to the second floor. The

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Title: (U) SHOOTING INCIDENT BALTIMORE DIVISION 11/15/2012  
Re: 297-HQ-A1270951-D, 07/25/2013

stairwell was between the living room where SA [ ] was standing, and [ ] bedroom, and actually descended into the basement. According to SA [ ] he believed [ ] would use the stairwell as a position of cover and fire at him and his fellow team members again. SA [ ] fired three additional rounds at the wall separating the living room from the stairwell. The three rounds missed [ ] and impacted the living room wall and passed through the stairwell, hitting the opposing wall. One of the rounds also impacted a closet door in the hall area, adjacent to [ ] bedroom door.

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SA [ ] was the second Agent to enter the residence and overheard SA [ ] shouting, "shots fired" and, "come out." SA [ ] moved to cover a second stairwell on the north side of the house, which ascended to the second floor. Five individuals were cleared from the residence.

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[ ] sustained three superficial injuries. She was treated on the scene by Baltimore SWAT medic SA [ ] and subsequently transported to Prince George's hospital where she was treated for minor abrasions and lacerations to her face and arm and released.

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On 02/27/2013, [ ] Chief, Special Prosecution Unit, Prince George's States Attorney's Office provided a letter declining to prosecute SA [ ] for discharging his weapon during the execution of the search warrant on 11/15/2012.

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On 04/10/2013 [ ] Special Legal Counsel, Department of Justice, Civil Rights Division, advised the circumstances of the Agent-involved shooting did not warrant a federal criminal investigation.

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On 05/23/2013, the SIRG met to discuss the above-captioned shooting incident. Acting Assistant Director Robert J. Shields, Inspection Division (INSD), chaired the meeting and was a non-voting member. The following voting members were in attendance: Acting Chief Inspector Howard S. Marshall, Office of Inspections (OI), INSD; [ ] Trial

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Title: (U) SHOOTING INCIDENT BALTIMORE DIVISION 11/15/2012  
Re: 297-HQ-A1270951-D, 07/25/2013

Attorney, Criminal Division, United States Department of Justice (USDOJ); [redacted] Special Legal Counsel, Civil Rights Division, USDOJ; Section Chief (SC) SC Gregory D. Cox, Global Section, Counterintelligence Division; Special Agent (SA) [redacted] Squad CR-2, Washington Field Office; SSA [redacted] Practical Applications Unit, Training Division (TD); SSA [redacted] Investigative Law Unit, Office of the General Counsel; SSA [redacted] Evidence Response Team, Laboratory Division; SSA [redacted] Special Weapons and Tactics (SWAT) Operations Unit, Critical Incident Response Group (CIRG); SSA [redacted] Firearms Training Unit, TD; and SSA [redacted] Defensive Systems Unit, TD. The following non-voting members were also in attendance: Inspectors [redacted] OI, INSD; Team Leaders [redacted] OI, INSD; SSA [redacted] Defensive Systems Unit, TD ; [redacted] Firearms Training Unit, TD; SSA [redacted] Operations and Training Unit, CIRG; SSA [redacted] Resource Planning Office, Director's Office; SSA [redacted] SWAT Operations Unit, CIRG; [redacted] Occupational Safety and Environmental Programs Unit, Facilities and Logistics Services Division; Management and Program Analyst [redacted] Inspection Analysis Unit, INSD; and Management and Program Analysts [redacted] and [redacted] Inspection Management Unit, INSD.

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Observations and Recommendations of the SIRG

The SIRG reviewed the above synopsis incident with the intent to: (1) evaluate the application of deadly force; (2) provide the Director with an evaluative analysis, observations, and recommendations for corrective actions from an operational standpoint (if any); (3) provide recommendations concerning training and/or safety issues; and (4) provide recommendations for administrative action if deemed necessary.

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Title: (U) SHOOTING INCIDENT BALTIMORE DIVISION 11/15/2012  
Re: 297-HQ-A1270951-D, 07/25/2013

This discussion resulted in the recommendation that no administrative action be taken against the Agent as a result of his involvement in this serious accident.

SIRG members unanimously adopted the following observations and recommendations of the SIRT:

INSPECTOR'S OBSERVATIONS

Observation #1: Baltimore SWAT operators should receive training on the safe and effective deployment of diversionary devices.

Analysis: Special Weapons and Tactics Policy Implementation Guide  
(02/29/2012) [REDACTED]

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[REDACTED] Senior Team Leaders (STLs) or their designees must conduct annual training for each SWAT team member in the use of diversionary devices. The STL must document the annual training and certification in the office SWAT file, using the diversionary device SWAT checklist. The STL must also report to SOU via TRMS that each team's operators have been annually certified. Prior to any training event in which diversionary devices will be used, the team leader, or his/her designee, should cover the delivery sequence "dos and don'ts" for the diversionary device.

SIRT investigation determined SWAT operator SA [REDACTED] entered the room before [REDACTED] detonated causing him to take offensive actions due to his belief he was being fired upon.

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Recommendation #1: SAC, Baltimore ensure SWAT STL and members are trained on the use of [REDACTED] and develop protocols to prevent early entry before [REDACTED]  
[REDACTED]

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Recommendation #1a: AD, CIRG ensure SWAT teams are conducting annual training on the use and deployment of [REDACTED]

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Title: (U) SHOOTING INCIDENT BALTIMORE DIVISION 11/15/2012

Re: 297-HQ-A1270951-D, 07/25/2013

PROCEDURES FOR RESPONDING TO THE INSTRUCTIONS AND RECOMMENDATIONS

The Inspection Division (INSD), Inspection Management Unit (IMU) is responsible for ensuring that each Inspection Instruction/Recommendation is satisfactorily resolved. IMU maintains an Inspection Instructions/Recommendations database and provides the INSD Assistant Director (AD) a quarterly report reflecting all outstanding Instructions/Recommendations. The inspection process is not complete until all Instructions/Recommendations have been satisfactorily resolved.

IMU will provide all responses to the Inspector-in-Charge (IIC), who will determine if each Instruction/Recommendation has been resolved or requires further action. Resolution will be based upon specific actions taken rather than a recitation of what actions the division has under consideration or plans to take in the future. If the IIC determines an Instruction/Recommendation has not been resolved, an EC will be forwarded requesting further action or clarification. Upon resolution, all Instructions/Recommendations will be appropriately noted in the database.

SAC, Baltimore is required to provide detailed responses addressing the Instructions/Recommendations in this EC, page 6 including corrective actions taken and/or intended actions with time frames for completion. Each Issue which results in an Instruction/Recommendation must be responded to in a one-page, stand alone response. The Issue and related Instruction/Recommendation is to be recited verbatim from the inspection EC, followed by the division's detailed response. If supporting documentation is available, it should be enclosed with each response.

All initial and follow-up responses must be sent to the IMU on plain bond paper as enclosures to a transmittal EC, directed to Unit Chief [REDACTED] Inspection Division, Inspection Management Unit, Room [REDACTED]

[REDACTED] In addition, after the EC is serialized with the attached responses, please e-mail the Sentinel link to MPA [REDACTED]

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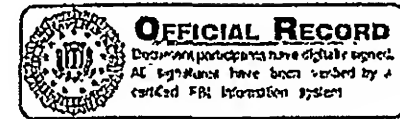
Title: (U) SHOOTING INCIDENT BALTIMORE DIVISION 11/15/2012  
Re: 297-HQ-A1270951-D, 07/25/2013

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**FEDERAL BUREAU OF INVESTIGATION****Electronic Communication**

**Title:** (U) SHOOTING INCIDENT MIAMI DIVISION  
12/17/2012

**Date:** 07/09/2013

**To:** INSPECTION (Route)

**From:** INSPECTION

DA-INSPECTION MANAGEMENT UNIT

**Contact:** [REDACTED]

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**Approved By:** SHIELDS ROBERT J JR  
Nancy McNamara

**Drafted By:** [REDACTED]

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**Case ID #:** 297-HQ-A1271748-D (U) SHOOTING INCIDENTS

**Synopsis:** (U) The Shooting Incident Review Group (SIRG) reviewed a shooting incident that occurred on 12/17/2012, involving Special Agent (SA) [REDACTED] of the Miami Division. During a confrontation with an intruder on his property, SA [REDACTED] accidentally discharged one round from his Bureau-issued Glock, Model 22 pistol. SIRG members unanimously recommended that no administrative action be taken against SA [REDACTED] as the result of his involvement in this shooting incident.

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**Administrative Notes:** (U) Reference Electronic Communication of Supervisory Special Agent [REDACTED] dated 01/16/2013.

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**Details:**

This communication was prepared to furnish the analysis, comments, and recommendations of the SIRG with reference to the captioned shooting.

**Details of the Shooting Incident**

On 12/17/2012, at approximately 4:00 a.m., SA [REDACTED] [REDACTED] was leaving his residence to go to work. As he unlocked his vehicle, SA [REDACTED] noticed the normally closed gate to the back of

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Title: (U) SHOOTING INCIDENT MIAMI DIVISION 12/17/2012

Re: 297-HQ-A1271748-D, 07/09/2013

his residence was open. SA [ ] removed his weapon from his ankle holster because he was not comfortable with the gate being open and felt that he should have his weapon out in case there was an intruder. SA [ ] was standing between his residence and a standalone utility shed, which is located in the middle of the back yard on the right side. He looked at the rear of his residence to see if there were any persons or obvious signs of forced entry to any of the rear residence doors. When he did not see anything, he focused his attention on the shed area and observed an unknown subject standing just outside of the opened shed. SA [ ] could tell that the subject was a male; however, due to the darkness he could not see whether the subject had any type of weapon in his hands. SA [ ] yelled "Stop, put your hands up!" As the subject fled towards the rear of the residence, SA [ ] pursued him to the far right corner of his property. SA [ ] ran into the subject in the dark, congested corner of the yard. While SA [ ] was holding his firearm in his right hand, he fell into the subject and struck him in the head with his weapon. SA [ ] fell to the ground, put both hands out to break his fall, and upon landing he inadvertently pulled the trigger of his pistol.

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SA [ ] chased the subject who had run towards the closest road north of his residence, entered a van, and rapidly drove off. SA [ ] went back into his residence, called 911, and Miami Division Executive Management.

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The Miami Division Evidence Response Team (ERT) responded and took photos, searched all surrounding properties for damage, and performed a close search utilizing metal detectors for the bullet, but could not locate the expended round. Metro-Dade Police Department (MDPD) responded to SA [ ] residence in order to take the burglary report. During MDPD's examination of the rear corner of the yard, the shell casing was discovered.

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No personal injuries or property damage were incurred as a result of SA [ ] accidental discharge.

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On 05/23/2013, the SIRG met to discuss the above-captioned

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Title: (U) SHOOTING INCIDENT MIAMI DIVISION 12/17/2012

Re: 297-HQ-A1271748-D, 07/09/2013

shooting incident. Acting Assistant Director Robert J. Shields, Inspection Division (INSD), chaired the meeting and was a non-voting member. The following voting members were in attendance: Acting Chief Inspector Howard S. Marshall, Office of Inspections (OI), INSD; [redacted] Trial Attorney, Criminal Division, United States Department of Justice (USDOJ); [redacted] Special Legal Counsel, Civil Rights Division, USDOJ; Section Chief (SC) SC Gregory D. Cox, Global Section, Counterintelligence Division; Special Agent (SA) [redacted] Squad CR-2, Washington Field Office; SSA [redacted] Practical Applications Unit, Training Division (TD); SSA [redacted] Investigative Law Unit, Office of the General Counsel; SSA [redacted] Evidence Response Team, Laboratory Division; SSA [redacted] Special Weapons and Tactics (SWAT) Operations Unit, Critical Incident Response Group (CIRG); SSA [redacted] Firearms Training Unit, TD; and SSA [redacted] Defensive Systems Unit, TD. The following non-voting members were also in attendance: Inspectors [redacted] OI, INSD; Team Leaders [redacted] OI, INSD; SSA [redacted] Defensive Systems Unit, TD; Nathan Williams, Firearms Training Unit, TD; SSA [redacted] Operations and Training Unit, CIRG; SSA [redacted] Resource Planning Office, Director's Office; SSA [redacted] SWAT Operations Unit, CIRG; [redacted] Occupational Safety and Environmental Programs Unit, Facilities and Logistics Services Division; Management and Program Analyst [redacted] Inspection Analysis Unit, INSD; and Management and Program Analysts [redacted] and [redacted] Inspection Management Unit, INSD.

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Observations and Recommendations of the SIRC

The SIRC reviewed the above synopsis incident with the intent to: (1) evaluate the application of deadly force; (2) provide the Director with an evaluative analysis, observations, and

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Title: (U) SHOOTING INCIDENT MIAMI DIVISION 12/17/2012  
Re: 297-HQ-A1271748-D, 07/09/2013

recommendations for corrective actions from an operational standpoint (if any); (3) provide recommendations concerning training and/or safety issues; and (4) provide recommendations for administrative action if deemed necessary.

This discussion resulted in the recommendation that no administrative action be taken against the SA [REDACTED] as a result of his involvement in this shooting incident.

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No other recommendations or observations were made by SIRG members.

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